

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN P. BARNES,

Plaintiff,

-against-

9:05-CV-0153
(LEK/RFT)

ROBERT C. GLENNON, Assistant New York State Attorney General; KAREN A. THORTON, Legal Assistant I; LORI MONTROY, Nurse Administrator; CAROLYN ST. DENIS, Inmate Records Coordinator; GLENN S. GOORD, Commissioner, N.Y.S. Dept. of Correctional Services; and THOMAS EAGEN, Director, Inmate Grievance Program,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on September 5, 2006, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 36). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff John P. Barnes, which were filed on September 20, 2006. Objections (Dkt. No. 37).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation

should be approved for the reasons stated therein.

Accordingly, it is hereby

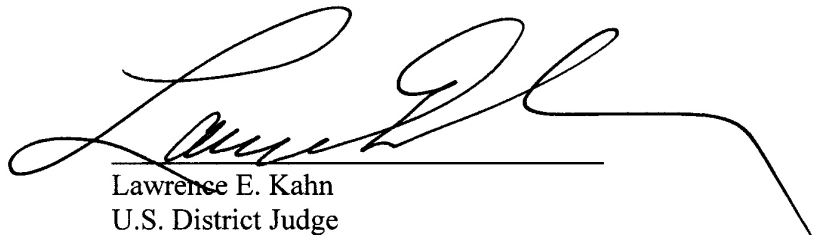
ORDERED, that the Report-Recommendation be **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants' Motion for Judgment on the Pleadings (Dkt. No. 25) is **GRANTED** and the case is **DISMISSED IN ITS ENTIRETY**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 28, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge